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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

TRAN, HAI V

ART UNIT PAPER NUMBER

2611

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/467,851	Applicant(s) LEAK ET AL.	
	Examiner Hai Tran	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) 1,4-22,25 and 38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-3, 23-24, 26-37, 39-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/27/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 10/24/2005 have been fully considered but they are not persuasive.

In response to Applicant regarding claims 2-3, 23-24, 26-37 and 39-51 are rejected under 35USC111, 1st paragraph, the Examiner respectfully disagrees with Applicant argument that "regardless of whether the configuration information indicates that the receiver is connected or disconnected, executing the disconnected content trigger to thereby access the enhanced content from the local storage without utilizing a bi-directional connection with a remote source to access the enhanced content" is fully supported in the original specification. The Examiner carefully reviews Applicant's specification p. 11, lines 12-23; p. 14, lines 5-9 and concludes that although the "connected receiver unit 305" able to execute the "disconnected-content trigger 230", as alleged by applicant, the Examiner still could not find anywhere indicating that once the "disconnected-content trigger 230" is executed by the "connected receiver unit 305", the "connected" receiver able to thereby access the enhanced content from its local storage without utilizing a bi-directional connection! As such, the Examiner maintains the rejection based on 35USC 112, 1st paragraph.

In view of the claims rejected under 35USC§102(a), Applicant argues, "...ATVEF clearly fails to teach any method for preventing a user from viewing links to inaccessible enhanced content, as claimed."

In response, the Examiner respectfully disagrees with Applicant because ATVEF suggests the use of *triggerReceiverObj.backchannel value* (see page 6) for preventing user from viewing links to inaccessible enhanced content, i.e., set it to value *unavailable*.

Applicant further argues, "ATVEF teaches that the same content is available regardless of whether a user has Internet access, the available content available when a receiver is disconnected is not more limited than the enhanced content available when the receiver is connected (claim 54)."

In response, the Examiner respectfully disagrees with Applicant because the available content available when the receiver is disconnected is off course more limited than the enhance content available when the receiver is connected because of the limitation of the storage space for caching/buffering content available.

Applicant further argues, "ATVEF references fails to teach or suggest storing configuration information specifying whether a receiver is connected to, or disconnected from, a bidirectional connection to a remote source."

In response, as previously discussed, ATVEF suggests that the receiver implementation is able of setting its own policy, see section 1.1.5 Triggers in which ATVEF meets and encompasses Applicant claim limitation because the receiver has the flexibility to set its policy and inherently the receiver stores its configuration so that the receiver able to distinguish between transport Type A and B. for example, regardless the state of the receiver is connected or disconnected, the disconnected-content trigger

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(Transport type B with attribute "lid:") will always access the enhanced content from local storage.

Applicant further argues, "ATVEF reference fails to disclose or suggest that a connectivity value within the content trigger is used to determine whether the content trigger is a connected-content trigger or a disconnected-content trigger."

In response, the Examiner indicates the use of a connectivity *value, i.e., "lid:", "http:", "ftp:"* for determining whether the content trigger is a connected content trigger or a disconnected –content trigger. For example, Transport Type A trigger have attribute "tve:" in which the receiver must have an Internet connections in order to run transport Type A, and disconnected content, for example Transport type B can run on receiver without Internet connection have attribute "lid:" indicates the resources are delivered only through broadcast and are not available on demand/Internet, and attribute "http:" indicates the resources are delivered only through broadcast or pre-loads the local cache and also exist on the Internet for accessing if needed, according to the receiver implementation of setting its own policy, as suggested by ATVEF, see section 1.1.5 Triggers.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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Claims 2-3, 23-24, 26-37, 39-51 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Amended claims 23, 36, 39, and 42 with newly added limitations "regardless of whether the configuration information indicates that the receiver is connected or disconnected, executing the disconnected content trigger to thereby access the enhanced content from local storage without utilizing a bi-directional connection with a remote source to access the enhanced content" was not described in the specification.

The following art rejection is applied to applicant claims as best understood in view of the 112 1st paragraph rejection above.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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1. Claims 2-3, 23-24, 26-37, and 39-54 are rejected under 35 U.S.C. 102(a) as being unpatentable by ATVEF (Draft, version 1.1r26 updated 02/02/99).

Claim 23, ATVEF discloses in an interactive television system that includes a receiver having customizable configuration information specifying whether the receiver is connected or disconnected (page 5, § 1.1.4 in which "triggerReceiverObject.backchannel" indicates the state of the receiver, i.e., connected/disconnected – page 6), wherein the receiver can receive both (see § 2 – Transport Specification; page 10-12) connected content (transport Type A; i.e., <url> or <http://{namespace-id}/{resource-path}}>) that can be accessed when the receiver is connected ("triggerReceiverObject.backchannel" with value, i.e., permanent) and disconnected content (transport Type B; i.e., <Lid://{namespace-id}/{resource-path}>) that can be accessed when the receiver is disconnected ("triggerReceiverObject.backchannel" with value, i.e. unavailable), a method for preventing a viewer from being interrupted by links to inaccessible enhanced content when the receiver is disconnected, the method comprising:

"storing configuration information specifying whether a receiver is connected to or disconnected from, a bi-directional connection to a remote source, wherein the configuration information can be customized to control when the receiver will execute a connected-content trigger that links to connected content and when the receiver will execute a disconnected-content trigger that links to disconnected content, the connected content comprising enhanced content that is accessed by the receiver when the receiver is in a connected state and the disconnected content

comprising enhanced content that is accessed by the receiver when the receiver is in a disconnected state, and wherein the receiver will only execute a connected-content trigger and thereby access the connected content when the configuration information specifies that the receiver is connected." Reads on ATVEF § 1.1.5 Triggers, in which ATVEF indicates that Receiver implementers are free to decide how to turn on enhancement and how to enable the user to choose among enhancement. Thus, ATVEF inherently stores configuration information set by implementers.

"receiving a content trigger linking to enhanced content" is further met by ATVEF (page 12, section 2.3);

"determining based on a connectivity value within the content trigger, whether the content trigger is a connected content trigger or a disconnected-content trigger; upon determining that the content trigger include a connectivity value distinguishing the trigger as a connected-content trigger, and upon determining, that the configuration information indicates that the receiver is connected, executing the connected-content trigger to thereby access the enhanced content from a remote source over a bi-directional connection;" is further met by ATVEF § 2.1 Transport Type A (page 10-11) and

"upon determining that the connectivity value distinguishes the trigger as a disconnected-content trigger, regardless of whether the configuration information indicates that the receiver is connected or disconnected, executing the disconnected content trigger to thereby access the enhanced content from the local storage

without accessing the enhanced content from a remote source over a bi-directional connection" is further met by ATVEF because ATVEF suggests that the receiver implementation is able of setting its own policy, see section 1.1.5 Triggers; therefore, ATVEF meets and encompasses Applicant claim limitation in which the receiver has the flexibility to set its policy as, regardless the state of the receiver is connected or disconnected, the disconnected-content trigger (Transport type B with attribute "lid:") will always access the enhanced content from local storage.

Claim 2, ATVEF further discloses wherein disconnected content is content that does not require a bi-directional connection to a remote information store (Type A; page 11, section 2.2).

Claim 3, ATVEF further discloses wherein executing a connected-content trigger comprises at least one of establishing and maintaining a bi-directional connection to a remote information store (Type A; page 10-12, section 2.1-2.3).

Claim 24, wherein executing a connected-content trigger comprises displaying information associated with the connected-content trigger (page 26, Appendix D: Using Enhanced TV).

Claim 26, as to "modifying the configuration information from specifying that the receiver is disconnected to specifying that the receiver is connected", it is clear that configuration can be modified by receiver implementer see page 6, sect. 1.1.5.

Claim 27, as to “the configuration information is remotely modified by a third party” is further met by Script embedded in trigger enhancement (page 7, and section Script).

Claim 28, as to “wherein the configuration information is modified by a user of the receiver” is further met by ATVEF because the user must be able to configure its receiver to be connected or disconnected, see page 6, sect. 1.1.5.

Claim 29, ATVEF further discloses wherein the receiver receives and executes a connected-content trigger after the configuration information specifies that a previously disconnected receiver is now connected (see page 5, section 1.1.4 in which “triggerReceiverObject.backchannel” ‘s value, i.e., connected – currently connected, but not always; This indicates that the previous state of the receiver is disconnected and now is connected. Moreover, ATVEF further indicates that Receiver implementers are free to decide how to turn on enhancements and on how to enable users to choose among enhancements; thus ATVEF encompasses claim 29).

Claim 30, wherein the connected-content trigger is received by the receiver when the configuration information specifies that the receiver is disconnected (see page 5-6 of Trigger Receiver Object), and wherein the receiver stores the connected-content trigger at least until the configuration information specifies that the receiver is connected (see page 5, section 1.1.4; page 10, sections 2.1, 2.2 and 2.3; and page 14).

Claim 31, wherein the receiver executes the connected-content trigger at a later time when the configuration information specifies that the receiver is connected (see Trigger Receiver Object of pages 5-6 wherein the return value is "disconnected" that indicates the receiver is Not currently connected, but can connect).

Claim 32, see analysis of claim 26.

Claim 33, see analysis of claim 27 (see page 6, section 1.1.5).

Claim 34, see analysis of claim 28.

Claim 35, "wherein the configuration information is stored in a local memory of the receiver" is further met by ATVEF in order to perform as disclosed.

Claims 36, 39, and 42 are analyzed with respect to claim 23.

Claims 37, and 43 are analyzed with respect to claim 26.

Claims 40 and 44 are analyzed with respect to claim 30.

Claims 41 and 45 are analyzed with respect to claim 31.

Claim 46, limitation "wherein the later time is an end of a delay period beginning upon receipt of the connected-content trigger" is further met by ATVEF, page 7, [expires:time].

Claim 47, ATVEF further discloses receiving a disconnected-content trigger; and distinguishing the disconnected-content trigger based on a connectivity value associated with the disconnected-content trigger (see Trigger Receive Object, page 5-6, section 1.1.4).

Claim 48, ATVEF further discloses executing the disconnected-content trigger (see page 12, section 2.3).

Claim 49, "wherein the connectivity value indicates that the content trigger is a connected-trigger even when the connected-trigger links to a locally stored enhancement content" reads on ATVEF § 2.3 Simultaneous Support Transports A (for connected) and B (can run on TV broadcast network without Internet connection and an additional Internet connection allowing a return path can be added to provide two-way capabilities) in which ATVEF clearly indicates in § 1.1.5 Triggers that Receiver implementers are free to decide how to turn on enhancements and how to enable user to choose among enhancements

Claim 50, ATVEF further discloses wherein the locally stored enhancement content links to additional enhancement content that is accessible to the receiver through a bi-directional connection to a remote source (see § 2.2 Transport Type B, page 11).

Claim 51, ATVEF further discloses wherein a connected content trigger is filtered out and subsequently ignored by the receiver upon determining that the receiver is disconnected (see ATVEF § 2.3).

Claim 52, ATVEF further discloses wherein the trigger includes a location of the enhanced content (i.e. xyz.com/fun.html), the location being separate from a field storing the connectivity values (see page 8 and page 9).

Claim 53, ATVEF further discloses wherein the field containing the connectivity value includes an attribute/value pair (page 10; i.e. [tve:1.0]),.

Claim 54, ATVEF further discloses wherein when the receiver is disconnected, the available enhanced content is more limited than the enhanced content available when the receiver is connected (page 9, limited content caching at the receiver).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HT:ht
01/20/2006



**HAITRAN
PRIMARY EXAMINER**